



US Army Corps  
of Engineers®

# Public Notice

Public Notice No. 07-31

Date: March 30, 2007

Nashville District

Application No. 200401142

Expires: April 29, 2007

Please address all comments to: Regulatory Branch, 3701 Bell  
Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Breakwater and Harbor Limit Modification at  
Mile 612.5, Right Bank, Tennessee River, Knox County, Tennessee

TO ALL CONCERNED: The application described below has been  
submitted for a Department of the Army Permit pursuant to **Section  
10 of the Rivers and Harbors Act of 1899 (33 USC 403)**.

APPLICANT: MEJ Properties, LLC  
DBA Choto Marina  
12214 Choto Marina Way  
Knoxville, Tennessee 37922

LOCATION: Cove opposite Mile 612.5, right bank, Tennessee River,  
Fort Loudoun Lake, Knox County, Tennessee, USGS Concord-TN 7.5  
Minute Series Quad. Map, 35° 48' 18"N, 84° 08' 41"W.

DESCRIPTION: The proposed work consists of the construction of an  
L-shaped wooden breakwater structure at the entrance of Choto  
Marina harbor. The long leg would measure 160' and connect to the  
face of the existing retaining wall located on the west shoreline.  
The short leg would measure 52' and run towards the head of the  
harbor. The structure would consist of 9" diameter treated wood  
poles driven into the lake bottom and spaced 10'-11' on centers.  
The top of the corner poles and one long-leg intermediate pole  
would extend to Elevation (El) 819 which is 6' above Fort Loudoun  
Lake's normal summer pool, El 813. Treated wood boards covering  
the exterior face of the breakwater would form a solid curtain  
that would attenuate wave energy. The curtain wall would be 14'  
high extending from El. 816.5 to 802.5. Lighting for the  
breakwater would be in accordance with U.S. Coast Guard  
requirements. Harbor limits would be extended to the proposed  
outer limit of the wavebreak.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers (Corps) is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

A Joint EA was prepared by the Corps and the Tennessee Valley Authority (TVA) on May 27, 2005, to address various marina expansion activities. An EA or EA supplement will be prepared by this office before a final decision concerning issuance or denial of the requested Department of the Army Permit.

Regarding the original expansion of the marina (Public Notice 04-48, dated July 29, 2003), the Tennessee State Historic Preservation Officer (TNSHPO) concurred on August 5, 2004, with the Corps determination that no historic properties eligible or listed on the National Register of Historic Places (NRHP) would be affected by the undertaking. The current breakwater construction project has been reviewed by the Corps' Regulatory archaeologist. Since the proposed construction would occur entirely below Fort

Loudoun Lake's normal summer pool and within the previous permit area associated with the previous marina project, the Corps has determined that the proposed action does not have the potential to affect cultural resource eligible for listing on the NRHP. Copies of this notice are being sent to the office of the TNSHPO.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

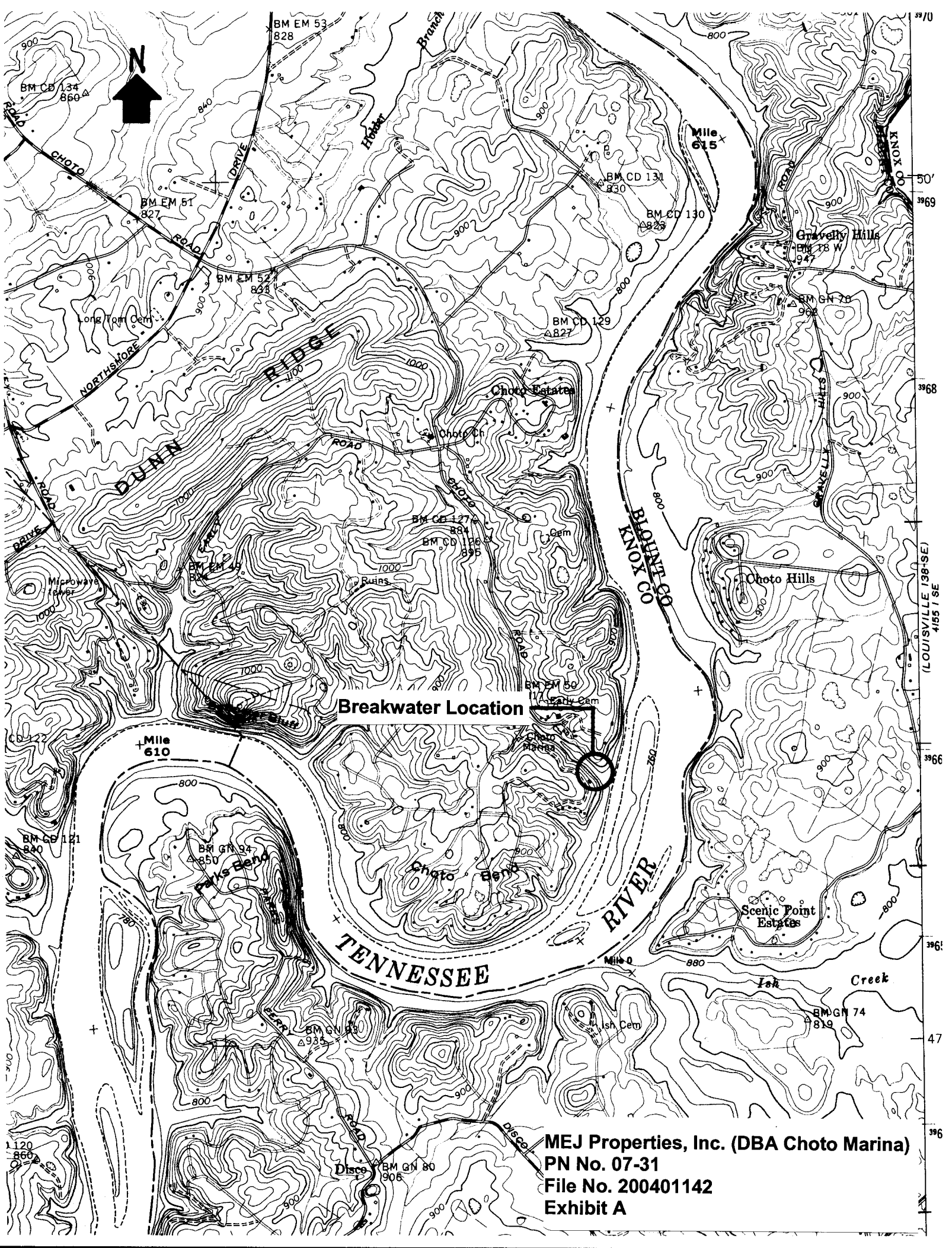
- Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before April 29, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Little Tennessee Watershed Team, 260 Interchange Park Drive, Lenoir City, Tennessee 37772-5664.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

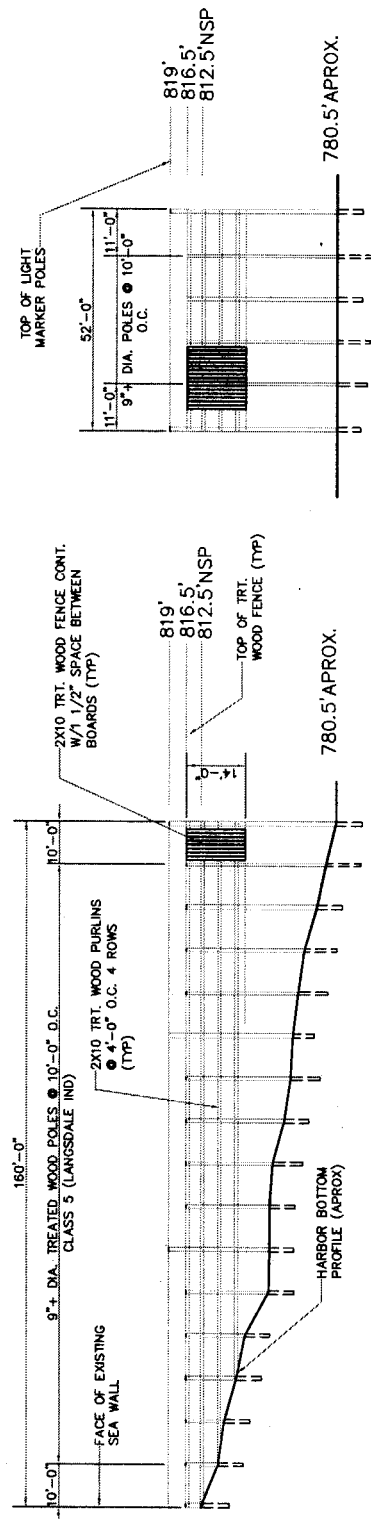
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



**Breakwater Location**

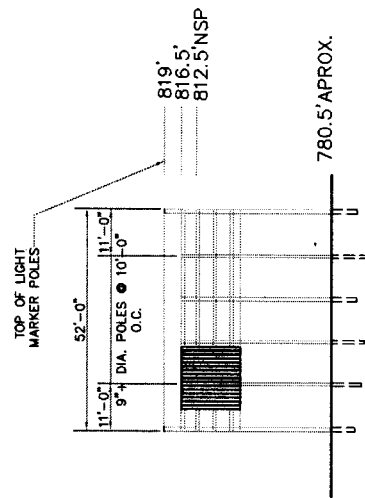
**MEJ Properties, Inc. (DBA Choto Marina)**  
**PN No. 07-31**  
**File No. 200401142**  
**Exhibit A**





1 SOUTH ELEVATION—PROFILE  
SD1 SCALE: 1" = 20'-0"

LIGHTING FOR BREAKWATER  
PER U.S. COAST GUARD SPECS.  
(4 REQ)



2 EAST ELEVATION—PROFILE  
SD1 SCALE: 1" = 20'-0"